

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-11323MLW

CRYSTAL A. ATHERTON and ROBERT W.  
ATHERTON,

Plaintiffs

v.

CITY OF BEVERLY, WILLIAM SCANLON  
and JOHN DUNN,

Defendants

JOINT MOTION FOR FURTHER  
COURT ORDER REGARDING  
ROBERT W. ATHERTON  
AS A PLAINTIFF.

Now come the Parties, pursuant to Federal Rules of Civil Procedure, Rule 7, and hereby move this Honorable Court to enter a further court order on the within matter dismissing with prejudice all claims of Robert W. Atherton as a plaintiff in this matter. As grounds therefore, the parties state that it is agreed that the Court indicated in its decision on Defendants' motion to dismiss that it intended to dismiss claims of Robert W. Atherton as plaintiff, but, in examining the docket, it appears that an order in this regard was never entered regarding Robert W. Atherton as plaintiff in this matter. This motion in no way affects the status of Crystal A. Atherton as a plaintiff to this action.

WHEREFORE, the parties move that the court enter a docket entry dismissing claims by Robert W. Atherton as plaintiff.

RESPECTFULLY SUBMITTED:

DEFENDANTS,  
By their attorneys,

PLAINTIFFS,  
By their attorney,

/s/ Elizabeth R. Corbo  
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Elizabeth R. Corbo (BBO# 640131)  
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 2, 2007.

/s/ Elizabeth R. Corbo

Dated: August 2, 2007